

MRS ALPA WADHER
27 GRANVILLE GARDENS
NORBURY LONDON
SW16 3LN

The Planning Inspectorate
Room 3/07
Kite Wing, Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

16th June 2004.

Dear Sirs,

RE: Planning Appeal – Norland Square Mansions, London W11 4RA
Ref: App/K5600/A/04/1148762

On behalf of Mr & Mrs Paul Nicholls of 27 Norland Square Mansions I write to make written representations to you about the above appeal.

I have seen copies of the Report of Royal Borough Kensington & Chelsea's Executive Director, Planning and Conservation which was approved on 23rd February 2004 and the Grounds of Appeal dated 23rd April 2004.

Mr and Mrs Nicholls objected to the Planning Application by written representation on 20th January 2004 on grounds of inconvenience to the residents of the flats and neighbourhood.

In addition to that Mr & Mrs Nicholls would add their voice to the fact that an additional storey, and to raise the parapet on the mansion block would unbalance the uniform roofline on the Western side of Norland Square. On this basis it would be detrimental to the architectural cohesiveness and harmony of the Square.

The additional floor would seriously affect the harmony of the roofline in the Square and views from Holland Park Avenue. Furthermore, the raising of the present roofline over the Norland Square Block would reduce sunlight coming to the gardens when the sun is shining from behind the block.

In conclusion Mr & Mrs Nicholls would like to repeat that the building would become a travesty of Arthur Ash's original design.

I am sending three copies of this letter and would be grateful if you could acknowledge safe receipt and in due course send me at the above address a copy of the Inspector's decision letter.

At present neither Mr or Mrs Nicholls wish to speak at the hearing.

Yours faithfully,


Mrs Alpa Wadher

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Rolfe Judd Planning,
Old Church Court,
Claylands Road,
The Oval, London
SW8 1NZ

Switchboard: 020-7937-5464
Direct Line: 020-7361- 2573
Extension: 2573
Facsimile: 020-7361-3463

Date: 17 May 2004

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

My Ref: DPS/DCN/PP/04/00081/JW

ODPM's Reference: App/K5600/A/04/1148762 Please ask for: Mr.J. Wade

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: Norland Square Mansions, 53 Norland Square, London, W11 4PY

With reference to your appeal on the above address(es), enclosed you will find the Council's Questionnaire and attached documents as necessary.

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

Enc.



INVESTOR IN PEOPLE

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Office of the Deputy Prime Minister,
3/07 KiteWing,
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THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

Date: 17 May 2004

My Ref: DPS/DCN/PP/04/00081/JW

ODPM's Reference: App/K5600/A/04/1148762

Please ask for: Rebecca Gill

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: Norland Square Mansions, 53 Norland Square, London, W11 4PY

With reference to the appeal on the above premises, I return the completed questionnaire, together with supporting documents. In the event of this appeal proceeding by way of a local Inquiry the Inspector should be advised that Committee Rooms in the Town Hall must be vacated at 5.00 p.m. unless prior arrangements have been made for the Inquiry to continue after 5.00 p.m.

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

Enc.



INVESTOR IN PEOPLE

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: APP/KS600/A/04/1148762 GRID REF:
 APPEAL BY: MR. C. OKIN
 SITE: Norland Square Mansions, 53 Norland Sq POSTCODE W11

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to us and the appellant, **within 2 weeks of the 'starting date'** given in our letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.** Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

1. Do you agree to the written representations procedure?
 (An exchange of written statements, which will be studied by the Inspector, prior to visiting the site).

if NO,

Do you wish to be heard by an Inspector at But will agree to (a) a local inquiry? or
 (b) a hearing?

Note: If the written procedure is agreed the Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

- 2a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?

- b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

If the answer to 2b is YES please explain:

TO GAIN FULL ACCESS TO THE APPEAL SITE

3. Please provide the name and telephone number of the officer we can contact to make arrangements for the site visit, hearing or inquiry.

Name

REBECCA GILL

Telephone no.

020 7361 2081

4. Does the appeal relate to an application for approval of reserved matters?

5. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?

☒ YES ☐ NO

☒ YES ☐ NO

☐ YES ☒ NO

☐ YES ☒ NO

☒ YES ☐ NO

☐ YES ☒ NO

☒ YES ☐ NO ☐ NA

6. Did you give publicity to the application?

– Article 8 of the GDPO 1995

– Section 67/73 of the Planning (Listed Buildings & Conservation Areas) Act 1990

● Regulation 5 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990

☒ YES ☐ NO

7. Is the appeal site within an approved Green Belt or AONB?

☐ YES ☒ NO

Please specify which

8. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? If YES, please attach details.

☐ YES ☒ NO

9. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State?
If YES, please attach details and, where necessary, give our reference numbers.

☐ YES ☒ NO

b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details.

☐ YES ☒ NO

10. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q12.)

☒ YES ☐ NO

11. Does the appeal relate to an application for conservation area consent?

☐ YES ☒ NO

12. a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building?

☐ YES ☒ NO
Grade I / II* / II

☐ ☐ ☐

b. Would the proposed development affect the setting of a listed building?

☐ YES ☐ NO

If the answer to question 12a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q14.)

Date of listing

13. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?

☐ YES ☒ NO

14. a. Would the proposals affect an Ancient Monument (whether scheduled or not)?

☐ YES ☒ NO

b. If YES, was English Heritage consulted? Please attach a copy of any comments.

☐ YES ☐ NO

15. Is any part of the site subject to a Tree Preservation Order?

If YES, please enclose a plan showing the extent of the Order and any relevant details.

☐ YES ☒ NO

16. a. Is the appeal site in or adjacent to or likely to affect an SSSI?

If YES, please attach the comments of English Nature.

☐ YES ☒ NO

b. Are any protected species likely to be affected by the proposals?
If YES, please give details.

☐ YES ☐ NO

17. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:

a. Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? If YES, please indicate which Schedule.

☐ YES ☒ NO
Sch1 Sch2 col 1
☐ ☐

b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?

☐ YES ☒ NO

c. Has a screening opinion been placed on Part 1 of the planning register? If YES, please send a copy to us.

☐ YES ☒ NO

Number of Documents Enclosed

N/A

d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;

☒

e. Any representations received as a result of an Article 7 (or Regulation 6) notice;

☒

f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;

1

g. Any representations received as a result of a notice published under Article 8 and/or Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);

14

h. Details of any other applications or matters you are currently considering relating to the same site;

☒

i. For all appeals, including those against non determination, you must provide details of all relevant development plan policies. *Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan;*

☒

(Adopted May '02) EXTRACTS FROM UDP CHAPTERS 1+4 +7

j. Any supplementary planning guidance, together with its status, that you consider necessary;

☒

EXTRACTS FROM CONS. AREA PROPOSAL STATEMENT

k. Any other relevant information or correspondence you consider we should be aware of;

☒

l. Please provide us with a list of conditions which you consider should be imposed if planning permission is granted. **You need not submit this with the other questionnaire papers, but it should reach us within 6 weeks from the starting date. Being a questionnaire paper, the list should be submitted separately from your appeal statement.**

Enclosed

To be sent within 6 weeks from start date

☒

18. a. Please include:

- i) a copy of the letter in which you notified people of the appeal;
- ii) a list of the people you notified; and
- iii) the deadline you gave for their comments to be sent to us.

b. Copies of the following documents must, if appropriate, be enclosed with the questionnaire.

- i) representations received from interested parties about the original application;
- ii) the planning officer's report to committee;
- iii) any relevant committee minute.

18-Jun-04

Number of Documents Enclosed	N/A
14	
✓	
✓	

19. ~~For appeals dealt with by written representations only~~

Do you intend to send another statement about this appeal?
If NO, please enclose the following information:-

☐ YES ☐ NO

a. In non-determination cases:

- i) what the decision notice would have said;
- ii) how the relevant development plan policies relate to the issues of this appeal.

b. In all cases:

- i) the relevant planning history;
- ii) any supplementary reasons for the decision on the application;
- iii) matters which you want the Inspector to note at the site visit.

20. The Mayor of London cases only

a. Was it necessary to notify the Mayor of London about the application?
If YES, please attach a copy of that notification.

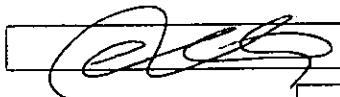
☐ YES ☐ NO

b. Did the Mayor of London issue a direction to refuse planning permission?
If YES, please attach a copy of that direction.

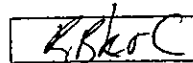
☐ YES ☐ NO

I confirm that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent.

Signature



on behalf of



Council

Date sent to us and the appellant

19th May '04

Please tell us of any changes to the information you have given on this form.

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Norwich NR3 1BQ



The Planning Inspectorate

3/07 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
<http://www.planning-inspectorate.gov.uk>

Direct Line 0117-3728930
Switchboard 0117-3728000
Fax No 0117-3728443
GTN 1371-8930

Ms R Gill (Dept Of Planning & Conservation)
Kensington And Chelsea R B C
Planning Services Department
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: PP/04/00081/MIND/14
Our Ref: APP/K5600/A/04/1148762

Date:

EX DIR	HOOVER	2004	AD	CLU	AO AK
R.B.	12 MAY 2004			PLANNING	
K.C.					
N	C	SW	SE	IO	REC
			IRB	FFLN	DES FEES

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR C OKIN
SITE AT NORLAND SQUARE MANSIONS, 53 NORLAND SQ, LONDON, W11 4PY

I have received an appeal form and accompanying documents for this site. I am the case officer. If you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence, giving the full appeal reference number which is shown at the top of this letter.

I have checked the papers and confirm that the appeal is valid. If it appears at a later stage, following further information, that this may not be the case, I will write to you again.

The appellant has asked for an inquiry, which we are arranging. The date of this letter is the starting date for this appeal.

The following documents must be submitted within this timetable:

Within 2 weeks from the starting date -

You must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them that:-

- i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit 3 copies within **6 weeks of the starting date**. If representations are submitted after the deadline, they will not normally be seen by the Inspector and they will be returned.
- ii) they can get a copy of our booklet 'Guide to taking part in planning appeals' free of charge from you, and
- iii) if they want to receive a copy of the appeal decision they must write to me asking for one.

You must submit a copy of a completed appeal questionnaire and supporting documents, including relevant development plan policies to the appellant and me.

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Within 6 weeks from the starting date -

You and the appellant must submit 2 copies of any statement to me. I will send a copy of your statement to the appellant and send you a copy of their statement. You and the appellant must send a copy of your statements to any statutory parties.

I will send you and the appellant a copy of any comments submitted by interested parties.

Within 9 weeks from the starting date -

You and the appellant must submit 2 copies of any final comments on each other's statement and on any comments on any representations from interested parties to me. Your final comments must not be submitted in place of, or to add to, your 6 week statement and no new evidence is allowed. I will forward the appellant's final comments to you at the appropriate time.

No later than 4 weeks before the inquiry -

You and the appellant must submit 2 copies of your proofs of evidence (and summary, where appropriate) to me. The appellant must also submit a copy of the statement of common ground.

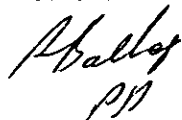
You **must keep to the timetable** set out above and ensure that your representations are submitted within the deadlines. If not, your representations will not normally be seen by the Inspector and they will be returned to you. As I have given details of the timetable, I will not send you reminders.

Withdrawing the appeal

If you hear that the appeal is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant, I will write to you.

Further information about the terms we use in this letter and appeal procedures is on the attached sheet.

Yours faithfully



Mr Dave Shorland

301(BPR)

Questionnaire

The appeal questionnaire must be sent complete with copies of all necessary documents referred to in it. It is particularly essential to us that details of all relevant development plan policies are included with the questionnaire at this early stage.

Statement of case

In your statement of case you will need to give full details of the case you will put forward at the inquiry. You must include a list of any documents, including maps and plans, to which you intend to refer or use in evidence.

Statement of common ground

In the statement of common ground you should list all agreed matters. You and the appellant are expected to meet in advance of the inquiry, to agree the statement of common ground. This should include basic facts such as the site description, area, planning history, relevant planning policies, and as many other matters relating to the appeal as possible. The Inspector may question the information in the statement. A guide to the Statement of Common Ground is in Annex 3(ii) of DETR Circular 05/2000.. A model form is enclosed and is also available on our website.

Proofs of evidence

A 'proof of evidence' is a written statement that you, the appellant or witness wants the Inspector to take into account at the inquiry. If the proof is more than 1500 words long, you must also send me 2 copies of a written summary which should not be more than 10% of the length of the proof. The summary should reflect the contents of the proof and should not include new evidence. Where a summary is provided only that will be read at the inquiry. If proofs and summaries are not received together and on time, the inquiry may be postponed.

Statutory parties

'Statutory parties' are owners or tenants of the appeal site who made comments within the time limit on the application or appeal. You must give details of any statutory parties at application stage in reply to question 17e of the questionnaire. I will tell you about any statutory parties at appeal stage, before your statement of case is due.

Late Representations

Comments or representations received after any of the time limits will normally be disregarded and we will send them back. Late representations will only be considered in extraordinary circumstances.

Inquiry opening statements

Both main parties may give opening statements before presenting formal evidence. They should be no longer than 5-15 minutes maximum. The Inspector will decide the order of presentation of opening statements and evidence, but usually the appellant will be asked to make a brief opening statement first, to set the scene and describe the nature of the scheme.

The LPA will then make their opening statement before moving on to present their formal evidence.

Costs

Costs can be awarded in inquiry cases. If an inquiry is subsequently adjourned because of the submission of late evidence, there is the possibility of a successful claim for costs. DOE Circular 8/93 gives more advice.

Planning obligations - Section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land', or a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you intend to rely on an obligation, a final draft must be submitted ten working days before the inquiry opens.

Obligations should be completed by the close of an inquiry. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

STATEMENT OF COMMON GROUND

APPEAL REFERENCE:

DATE OF INQUIRY:

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT:

APPELLANT

LPA

This statement addresses the following areas of common ground:

1. Description of the site (including agreed dimensions)
2. Description of the area
3. Planning history of site
4. Development plan (including relevant policies) & any draft development plan (including stage reached and weight to be attached).
5. Relevance of any supplementary planning guidance published by LPA.
6. Others: *[eg where applicable, agreed traffic (and/or other) data and circumstances]*

It will be helpful also to identify matters which are the subject of specific disagreement.

Enter text of common grounds
(Please sign the boxes at the end)

Please turn over

Signed on behalf of Appellant	Signed on behalf of LPA		
.....Date.....Date.....		
Position.....	Position.....		
Please continue on separate sheet(s) if necessary (sign at end)			

NEW APPEAL

DATE: 27/04/2004

TO: Mr. D. Taylor

A NEW APPEAL HAS BEEN RECEIVED, WHICH FALLS IN YOUR AREA - FILE(S) ATTACHED. THE SITE ADDRESS IS:

Norland Square Mansions, 53 Norland Square, London, W11 4PY

1. PLEASE INDICATE THE OFFICER WHO WILL BE DEALING WITH THIS APPEAL.

SW

2. PLEASE INDICATE THE PROCEDURE BY WHICH YOU WISH THE APPEAL TO BE DETERMINED.

- WRITTEN REPRESENTATIONS
- HEARING
- PUBLIC INQUIRY

N.B. The appellant has requested Written Reps/a Hearing/an Inquiry. The appellant has the right to be heard. If the appellant wants a Hearing and you choose Written Reps, this may result in an Inquiry. If the appellant requests an Inquiry and you would prefer a Hearing, a letter outlining reasons why will normally be required.

3. **YOU ARE REMINDED TO ORDER LAND USE MAPS AS APPROPRIATE AT THIS STAGE.**

PLEASE RETURN THIS SHEET AND THE ATTACHED FILE(S) TO THE APPEALS SECTION WITHIN **24 HOURS**

THANK YOU

File Copy
Copied on
27-4-04

To: Policy, Transportation,
Conservation & Design

From: Lesley Jones
Date: 27 April 2004

NEW APPEAL
ADVANCE WARNING

YOU OR YOUR SECTION MAY BE INVOLVED IN
THE PREPARATION OF A STATEMENT OR EVIDENCE

ADDRESS: Norland Square Mansions, 53 Norland Square,
London, W11 4PY

OUR REF: PP/04/00081 **ODPM REF:** App/K5600/A/04

DEVELOPMENT: Erection of roof extension to create self-contained flat
with roof terrace and alterations to elevations to building.

TYPE OF APPEAL: Refusal of Permission

REASONS FOR REFUSAL: See attached sheet

D.C. CASE OFFICER: Mr.J. Wade **D.C. AREA:** North Area Team

It is anticipated at this stage that input will be required from the
following sections:-

Design

Transportation

Policy

R & I

Trees

Environmental Health – Noise (Ian Hooper)

Housing

Housing (Stanley Logan)

Please contact the Case Officer for further details.

Thank you.

Lesley Jones
Head of Development Control

PP/04/00081

REASON(S) FOR REFUSAL:

1. The proposal to erect an additional storey and raise the parapet on the mansion block would unbalance the uniform roofline on the western side of Norland Square. On this basis it would be detrimental to the architectural cohesiveness and harmony of the Square and contrary to Policies contained within the Conservation and Development chapter of the Unitary Development Plan in particular Policies CD27, CD44, CD45, CD46, CD57, CD61 and CD62.

PLANNING
ARCHITECTURE
INTERIORS

Old Church Court
Claylands Road
The Oval

London SW8 1NZ

Telephone: 020 7556 1500

Fax: 020 7556 1501

www.rolfe-judd.co.uk

RLA/NS/P2181A

23rd April 2004

The Planning Inspectorate
Room 3/15, Eagle Wing
Temple Quay
2 The Square
Temple Quay
Bristol
BS1 6PN

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		26 APR 2004			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

27

E-Mail: rachela@rolfe-judd.co.uk

Direct Dial Telephone: 020 7556 1617

Dear Sir/Madam

Norland Square Mansions, 53 Norland Square, London

On behalf of our client, Mr Charles Okin, please find enclosed an appeal against the decision by Royal Borough of Kensington and Chelsea, to refuse planning permission for the erection of a roof extension to create a self contained flat with roof terrace, and improvements to the elevations of the building at Norland Square Mansions, 53 Norland Square, London. Please find enclosed the relevant appeal forms (which have been copied to Royal Borough of Kensington and Chelsea) and copies of the original planning application, certificates, plans and correspondence with the local planning authority.

We trust this information is sufficient for the appeal to proceed, however should you require any further information please do not hesitate to contact us.

Yours sincerely



Rachel Allwood
Rolfe Judd Planning

Enc

Cc Planning & Conservation -
Charles Okin
Hugh Cullum

Royal Borough of Kensington and Chelsea
-
- Hugh Cullum Architects

04/0081 /jw

The Planning Inspectorate

Further information about us and the planning appeal system is available on our website www.planning-inspectorate.gov.uk

FOR OFFICIAL
USE ONLY (Date
received)

PLANNING APPEAL FORM

If you need this document in large print, on audio tape, in Braille or in another language please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal.

Your appeal and essential supporting documents must reach the Inspectorate within 3 months of the date shown on the Local Planning Authority's decision notice or, for 'failure' appeals, within 3 months of the date by which they should have decided the application (or within 6 months in the case of applications made before 5 September 2003).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 3 month period, the appeal will not be accepted.

Please print clearly in capitals using black ink.

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name Charles Okin

Address c/o Agent

Daytime phone no. c/o Agent

Fax no

Postcode

E-mail address

c/o Agent

B. AGENT DETAILS FOR THE APPEAL (if any)

Name Rolfe Judd Planning

Address Old Church Court

Your reference RA/NS/P2181A

Claylands Road

Daytime phone no. 020 7556 1500

The Oval, London

Fax no 020 7556 1501

Postcode SW8 1NZ

E-mail address

rachela@rolfe-judd.co.uk

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA Royal Borough of Kensington & Chelsea

LPA's application reference no. DPS/DCN/PP/04/00081

Date of the planning application 17/12/03

Date of the LPA's decision (if issued) 05/03/04

D. APPEAL SITE ADDRESS**D**

Address Norland Sqaure Mansions

53 Norland Square

London

Postcode W11 4PY

Note: Failure to provide the full postcode may delay the processing of your appeal.

Is the appeal site within a Green Belt? YES ☐ NO ☒**E. DESCRIPTION OF THE DEVELOPMENT**

Size of the whole appeal site (in hectares)

Area of floor space of proposed development (in square metres)

0.3 hectares

193sq metres

Has the description of the development changed from that stated on the application form? YES ☐ NO ☒

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

F. REASON FOR THE APPEAL**This appeal is against the decision of the LPA to:-**Please tick **one** box only ✓

- 1 Refuse planning permission for the development described on the application form or in Section E. ☒
- 2 Grant planning permission for the development subject to conditions to which you object. ☐
- 3 Refuse approval of the matters reserved under an outline planning permission. ☐
- 4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object. ☐
- 5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐
- or**
- 6 The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. ☐

G. CHOICE OF PROCEDURE

G

Choose **ONE** procedure only.

You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine planning appeals. In short, there are 3 possible methods:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

Please note that when we decide how the appeal will proceed we will take into account the LPA's views.

Please tick ✓

1. WRITTEN REPRESENTATIONS

☐

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions to buildings, individual houses or small groups of houses, appeals against conditions and changes of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

Note: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

a). If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?

YES ☐

NO ☐

b). Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

YES ☐

NO ☐

If the answer to 1b is 'YES' please explain:

2.(a) HEARINGS

☐

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). The Planning Inspectorate will then arrange a hearing at which the Local Planning Authority and the appellant(s) will be represented. Members of the public, interested bodies (e.g. Parish/Town Councils) and the press may also attend. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

(b) INQUIRIES

☒

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are suggested for appeals that:

- are complex and unduly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

H. GROUNDS OF APPEAL

H

If you have requested the written procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive enough to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

Norland Square Mansions, 53 Norland Square London, W11 4PY**H. Grounds of Appeal**

We set out below the grounds of appeal:

1. The reason given by the Local Planning Authority for the refusal of planning permission is that the Council consider erecting an additional storey and raising the parapet on the mansion block would unbalance the uniform roofline of the western side of Norland Square. The Council consider that the proposal would therefore be detrimental to the 'architectural cohesiveness and harmony' of the Square and contrary to Policies CD27, CD44, CD45, CD46, CD57, CD61 and CD62 within the UDP. The reason for refusal is thus wholly on the basis of conservation and design considerations, matters requiring a subjective view to be taken.
2. The proposed rooftop flat would involve the removal of the existing unsightly tank rooms and other ancillary accommodation at roof level, (which are largely redundant) and their replacement with a further element of useable residential accommodation. This is in line with the approach of STRAT 19 and Policy H2 of the UDP, which seek to increase the amount, size and type of residential dwellings in the borough, whilst maintaining the overall quality of the residential environment. The proposal also includes a number of improvement works to the mansion block. The Council recognise within their committee report that these improvements would be beneficial.
3. The proposed roof extension is sensitive to the scale, height and bulk of the surrounding area, and is set back from the eaves level to minimise the bulk of the proposal and ensure it relates to the adjacent building. The palette of proposed materials is wholly in keeping with the existing building. We consider this to provide a beneficial opportunity to balance and enhance the architectural composition of the building as a whole and enhance its contribution to the Norland Conservation Area, and as such the proposals are consistent to Policy CD27 of the UDP.
4. Policy CD44 of the UDP specifically relates to additional storeys and roof alterations and we consider the proposed rooftop flat is consistent with this policy. Policy CD44 sets out the circumstances in which additional storeys or roof alterations will be resisted, which include where in complete terraces or groups of buildings and the existing roofline is unimpaired, where the building already has an additional storey, where the building has a roof form of historic interest, where the building is higher than surrounding neighbours, where the building roofline is exposed to long views from public spaces which would have an intrusive impact or in mansion blocks where an additional storey would add significantly to the bulk or unbalance the architectural composition. In summary, the proposal building does not form part of a terrace or group of buildings, does not already have an additional roof storey and does not have a roof form of historic interest. Whilst Norland Square Mansions has a higher parapet-line than others on the square and the site has historically held a taller building, the proposed roof extension would not increase the overall height of the building, as it would be generally no higher than the existing roof structures and tank rooms. The views of the new extension would not have an intrusive impact, nor would the proposal impede any views to other important buildings or spaces. The proposed new space has been designed as a subsidiary element, set back from the roof edge and thus does not significantly add to the bulk. The design of the rooftop flat would compliment the original architecture and provides a well-proportioned resolution to the building, creating a balanced architectural composition. We therefore consider the proposal to be consistent with Policy CD44 of the UDP.

Cont/d...

5. We consider the proposed rooftop flat to be consistent with Policy CD45 of the UDP, which sets out the circumstances in which additional storeys and roof level alterations *will* be allowed. These will be permitted where the alterations are architecturally sympathetic and would not harm the character of the building. We consider that the proposal is architecturally sympathetic. As outlined above, the proposed rooftop flat would be set back from the eaves and replace the redundant and unattractive roof structures. The existing roofline has a 'cut off' appearance; the proposal incorporates a recessed and delicate attic storey. We therefore consider the proposal improves the architectural composition of the building and its setting in the skyline, and is consistent with Policy CD45 of the UDP.
6. The proposal includes a roof terrace to the east and south of the property. The proposed roof terrace would not result in an adverse loss of privacy as it overlooks the communal gardens within the square; the Council agree with this within the committee report. The Council consider raising the parapet will unbalance the general uniformity of height, contrary to Policy CD46 of the UDP, which sets out that roof terraces will be resisted if the accompanying alterations are not to a satisfactory design or would harm the street scene. We consider that raising the parapet is architecturally sympathetic, as it enables the side bays to be distinguished, in contrast to the central bay, which is capped by the recessed rooftop flat. This enables a balanced composition, which we believe is an appropriate resolution to the building and is in keeping with the original architectural design. It would in any case be possible to introduce the roof extension without raising this parapet if this were considered desirable.
7. We consider the proposed rooftop extension and improvements to the mansion block are consistent with Policy CD57, CD61 and CD62 of the UDP, which seek to ensure that proposed development within conservation areas preserves or enhances the character and appearance of the area and to ensure that development within conservation areas is to a high standard and is compatible with the surrounding area in terms of character, scale, bulk and height, proportion, roofscape and materials.
8. The proposed rooftop flat would only be visible from a limited number of long views across Norland Square, and would be substantially screened for most of the year by the foliage of the existing tall trees along Holland Road. Notwithstanding this, we consider the proposed rooftop flat is architecturally sympathetic and enhances the overall architectural composition of the property. As discussed, the proposal would be set back from the eaves, replace the existing unattractive roof structures and would be generally no greater in height. The proposal would only be visible in a limited number of long views. Setting back the new element would ensure that the roofline is in keeping with the general uniformity of the surrounding area from near views. The accompanying application photomontages demonstrate that the proposal does not appear out of scale or character with the adjacent buildings. We therefore do not consider that the proposed development will harm the character and appearance of the conservation area – on the contrary, we consider that proposed improvements to the mansion block and the rooftop flat would enhance the conservation area in that it would improve the overall appearance of the mansion block and would enable the existing unattractive roof structures to be replaced with an attractive and architecturally sympathetic rooftop flat, which relates to the original architectural design and materials of the building.
9. It is submitted that the Council has failed to substantiate its claims in the reasons for refusal of non-compliance with Policies CD27, CD44, Cd45, CD46, CD57, CD61 and CD62 of the Unitary Development Plan 2000, and additionally that the proposals fully comply with the terms of policy CD44 and in the absence of sound reasons for refusal, the Secretary of State is requested to allow this appeal.

I. APPEAL SITE OWNERSHIP DETAILS

I

We need to know who owns the appeal site. If you do not own the appeal site or if you only own a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. **YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.** Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, certificate A will apply:

Please tick **one** box only ✓

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates:

☐

OR

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see the *Guidance Notes*) to every one else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

☒

Owner's name

Address at which the notice was served

Date the notice was served

Please see attached list of properties.

CERTIFICATES C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

☐

AGRICULTURAL HOLDINGS CERIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b). **If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenants name'.**

✓

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

☒

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

☐

Tenant's name

Address at which the notice was served

Date the notice was served

NORLAND SQUARE MANSIONS

Flat 1	Leaseholder	Miss I F Mobley	Flat 2	Leaseholder	Doctor J D Reeve
	Address	Flat 1, Norland Square Mansions 53 Norland Square, London W11 4PY		Address	Flat 2, Norland Square Mansions 53 Norland Square, London W11 4PY
Flat 3	Leaseholder	Ms Hardwick & Mr Hardwick	Flat 4	Leaseholder	Alexander Thompson
	Address	19 Aster Close Kingston Hill Surrey KT2 7LT		Address	Flat 4, Norland Square Mansions 53 Norland Square, London W11 4PY
Flat 5		Mr M Owen c/o Furnished Lettings Department Marsh & Parsons, 9 Ken Church Street, W8 4LF	Flat 6	Leaseholder	Mrs Puig
				Address	Flat 6, Norland Square Mansions, 53, Norland Square, London W11 4PY
Flat 7	Leaseholder	Miss Hong Xue	Flat 8	Leaseholder	Ms A Iwanczyszyn
	Address	Flat 7, Norland Square Mansions 53 Norland Square, London W11 4PY		Address	Flat 8, Norland Square Mansions 53 Norland Square, London W11 4PY
Flat 9	Leaseholder	Ms Gitu Lal Panjabi	Flat 10	Leaseholder	Mr R Corbella
	Address	Flat 9, Norland Square Mansions 53 Norland Square, London W11 4PY		Address	15 Bonghi 00184, Rome, Italy
Flat 11	Leaseholder	Mrs A Springer	Flat 12	Leaseholder	Mrs A E Robinson
	Address	Flat 11, Norland Square Mansions 53 Norland Square, London W11 4PY		Address	Flat 12, Norland Square Mansions 53 Norland Square, London W11 4PY
Flat 13	Leaseholder	Mr Imitaz Farookhi	Flat 14	Leaseholder	Mrs U Pilditch
	Address	38 Knighton Road Leicester LE2 3HH		Address	Flat 12, 15 Westbourne Terrace London W2 3UN
Flat 15	Leaseholder	Mr & Mrs Allison	Flat 16	Leaseholder	Mrs D K Willis
	Address	Pinchards, Stockton Warminster Wiltshire BA12 0SF		Address	C/o Henry Willis, Laburnham House High Ham, Langport, Somerset TA10 9BZ
Flat 17	Leaseholder	Mrs Arnold Wilson – Deceased	Flat 18	Leaseholder	Mr & Mrs Bultzo
	Address	c/o Barclays Bank plc UKRM A/C's Centre West Ref: W/NEG2/ARNOLD/SKT PO Box 10 Cardiff CF1 3WP Attn: Steve Tunni		Address	c/o Code 29100, P O Box 1, Zakynthos, Greece

NORLAND SQUARE MANSIONS

Flat 19	Leaseholder	Ms J Gollance	Flat 20	Leaseholder	Mr & Mrs C Nelson
	Address	17 Cheyne Gardens London SW3 5QT (7352 0751)		Address	21 Warrigal Road, Surrey Hills Victoria, 3127, Australia
Flat 21	Leaseholder	Mr Munroe & Ms Bakewell	Flat 22	Leaseholder	Mr S N Shah
	Address	C/O Marsh & Parsons, Furnished Lettings Department, 9 Kensington Church St, W8 4LF		Address	1106 Guinea Drive Houston TX77055 USA
Flat 23	Leaseholder	Mr & Mrs St Clair-George	Flat 24	Leaseholder	Ms Puig
	Address	Farthing Field, Udimore Rye, East Sussex, TN31 6AE		Address	11 Horbury Crescent London W11 3NF
Flat 25	Leaseholder	Ms Geeta Guru-Murthy	Flat 26	Leaseholder	Mr Ravi Guru-Murthy
	Address	Flat 25, Norland Square Mansions, 53 Norland Square, London W11 4PY		Address	c/o Dr & Mrs Guru-Murthy Flat 8 Handel Mansions 94 Wyatt Drive, Barnes London SW13 8AH
Flat 27	Leaseholder	Mr & Mrs Nicholls	Flat 28	Leaseholder	Mr P L Percepied
	Address	c/o Mrs Alpa Wadher 27 Granville Gardens Norbury, London SW16 3LN		Address	Flat 28, Norland Square Mansions 53 Norland Square, London W11 4PY

J. ESSENTIAL SUPPORTING DOCUMENTS

J

The documents listed in 1-6 below, **must** be sent with your appeal form; 7-11 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 3 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

- | | | |
|---|---|-------------------------------------|
| 1 | A copy of the original planning application sent to the LPA. | <input checked="" type="checkbox"/> |
| 2 | A copy of the site ownership certificate and ownership details submitted to the LPA at <u>application stage</u> (this is usually part of the LPA's planning application form). | <input checked="" type="checkbox"/> |
| 3 | A copy of the LPA's decision notice (if issued). | <input checked="" type="checkbox"/> |
| 4 | A plan showing the site outlined in red , including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map). | <input checked="" type="checkbox"/> |
| 5 | A list (stating drawing numbers) and copies of all plans, drawings and documents sent to the LPA as part of the application. | <input checked="" type="checkbox"/> |
| 6 | A list (stating drawing numbers) and copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). | <input type="checkbox"/> |

Copies of the following must also be sent, if appropriate:

- | | | |
|----|--|--|
| 7 | Additional plans, drawings or documents relating to the application but not previously seen by the LPA.
Please number them clearly and list the numbers here: | <input type="checkbox"/> |
| 8 | Any relevant correspondence with the LPA. | <input checked="" type="checkbox"/> |
| 9 | If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:

(a) the relevant outline application;

(b) all plans sent at outline application stage;

(c) the original outline planning permission. | <input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/> |
| 10 | If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the original permission with the condition attached. | <input type="checkbox"/> |
| 11 | A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). | <input type="checkbox"/> |
| 12 | If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers. | <input type="checkbox"/> |

PLEASE TURN OVER AND SIGN THE FORM - UNSIGNED FORMS WILL BE RETURNED

K. PLEASE SIGN BELOW**K**

(Signed forms together with all supporting documents must be received by us within the 3 month time limit)

- 1 I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (if you do not, your appeal will not normally be accepted).
- 2 I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature Nick Sharpe

(on behalf of)

Charles Okin

Name (in capitals) Nick Sharpe

Date

23rd April 2004

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND**● 1 COPY to us at:**

The Planning Inspectorate
Customer Support Unit
Room 3/15 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

● 1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

● 1 COPY for you to keep

When we receive your appeal form, we will:

- 1) Tell you if it is valid and who is dealing with it.
- 2) Tell you and the LPA the procedure for your appeal.
- 3) Tell you the timetable for sending further information or representations.

YOU MUST KEEP TO THE TIMETABLE

If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will sent back to you.

- 4) Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		12 JAN 2004			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEE

(59)

RLA/NS/P2181
8th January 2004

The Royal Borough of Kensington & Chelsea
Department 705
Room 325
The Town Hall
Horton Street
London
W8 7X

PLANNING
ARCHITECTURE
INTERIORS

Old Church Court
Claylands Road
The Oval

London SW8 1NZ
Telephone: 020 7556 1500
Fax: 020 7556 1501
www.rolfe-judd.co.uk

E-Mail: rachela@rolfe-judd.co.uk
Direct Dial Telephone: 020 7556 1617

For the Attention of: Brian Roche

Dear Mr Roche

Norland Square Mansions, London, W1

Further to your recent letter dated 6th January 2004 and subsequent telephone conversations with my colleague Nick Sharpe and myself, please find enclosed a copy of Certificate B as requested.

As such, notice of the application has now been served on all the relevant leaseholders of the mansion block. The applicant considers that there is no legal requirement to do this and that Certificate A, as submitted is the correct certificate to serve in this circumstance. However, in order to ensure the progress of the application was not delayed further it was considered expedient to serve notice and issue Certificate B.

In light of this, we trust this that the application can now proceed to be validated, however should you have any queries or require any further information please do not hesitate to contact us.

Yours sincerely



Rachel Allwood
Rolfe Judd Planning

Encs

Cc Charles Okin - Edward Charles & Partners

PP040081

PLANNING
ARCHITECTURE
INTERIORS

Old Church Court

Claylands Road

The Oval

London SW8 1NZ

Telephone: 020 7556 1500

Fax: 020 7556 1501

www.rolfe-judd.co.uk

RLA/NS/P2181

17th December 2003

Royal Borough of Kensington & Chelsea
Planning & Conservation
The Town Hall
Horton Street
London
W8 7NX

E-Mail: rachela@rolfe-judd.co.uk

Dial Telephone: 020 7556 1617

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		24 DEC 2003			PLANNING	
N	C	SW	SE	APP	IQ	REC
			ARB	FPLN	DES	FEEs

Dear Sir or Madam:

Norland Square Mansions, London, W11

On behalf of our client, Charles Okin (the owner of the freehold of Norland Square Mansions), please find enclosed an application for a self-contained residential unit at the roof level of Norland Square Mansions, London, W11. Please find enclosed six copies of the relevant application forms, certificates and drawings. Please also find enclosed a cheque for £220, this being the requisite planning fee.

The Site

The site is located at the south west corner of Norland Square, with the junction of Holland Park Avenue, overlooking the mid-Victorian Square and lies within the Norland Conservation Area. The site comprises an interwar, art deco mansion block of residential properties, with a shop unit at ground floor along the Holland Park Road frontage. Adjacent to the site lies terrace housing along both the west side of Norland Square and Holland Park Road, which are Grade II listed, with a mews development existing to the rear.

The site originally comprised of a boy's school as part of the development of the Norland Estate in the mid-1800's. This was occupied by the Notting Hill and Bayswater High School for Girls in 1873 until 1930. The site was then redeveloped to for the mansion block, which currently exists.

The Proposal

There are currently tank rooms, and other ancillary accommodation at roof level, and these are largely redundant. The proposals would remove these elements and replace them with a further element of usable residential accommodation to form a self-contained 2-bed residential flat, served by the existing stair and lift core. Further external improvements to the mansion block including new planters, and improvements to the main entrance are also included. The proposed new accommodation would be set back from the edge of the building, with the exception of the rear (west) elevation and would include a terrace in the south east corner.

PP040081

RBKC
17th December 2003

We enclose an accompanying design statement, which describes the proposal in more detail and discusses in some detail the evolution of the proposed design in relation to the surrounding context and setting.

Land Use

The proposed self-contained residential unit in land use terms is consistent with the policies of the adopted UDP (2002). **STRAT 19** of the UDP seeks an increase in the amount, size and type of dwellings whilst maintaining the overall quality of the residential environment. **Policy H2** seeks the development of land and building for residential use, unless a satisfactory residential environment cannot be achieved or the land is required for community or commercial purposes.

Given the consistency with the policies of the UDP and the existing residential use within the building, we consider that an additional residential unit should be acceptable in land use terms.

Conservation & Design

Policy CD27 seeks to ensure that all development is to a high standard of design and is sensitive to and compatible with the scale, height, bulk, materials and character of the surroundings.

Again, as can be seen from the design statement, these points have been carefully considered and we believe that the proposals are wholly appropriate to the scale, height, bulk, and character of the building and to its context. We also note that the palette of proposed materials is wholly in keeping with the existing building.

Policy CD44 relates to additional storeys and roof level alterations and sets out the circumstances in which these will be resisted. It sets out a number of criteria where roof extensions would normally be resisted, and we consider each of these in turn.

a) Complete terraces or groups of buildings where the existing roofline is unimpaired by extensions...

The proposal does not relate to a complete terrace or a group of buildings.

b) Buildings or terraces that already have an additional storey or mansard

The building does not already have an additional storey

c) Buildings that include a roof structure or form of historic interest

The building does not have such an existing roof-form

d) Buildings, which are higher than surrounding neighbours

Whilst Norland Mansions is a higher building than the others on the square, the proposals do not increase the overall height of the building: the new element of work would generally be no higher existing roof spaces and tank-rooms.

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17th December 2003

e) Buildings or terraces where the roof line or party walls are exposed to long views from public spaces, and where they would have an intrusive impact on that view, or would impede the view of an important building or public space beyond

Whilst it will be possible to catch glimpses of the proposed new roof elements in longer views from across Norland Square, and elsewhere around and about, as can be seen from the photomontages, these do not have an intrusive impact, and nor would this impede any views to other important buildings or spaces

g) Mansion blocks or flats where an additional storey would add significantly to the bulk or unbalance the architectural composition

The proposed new rooftop space is designed as a subsidiary element, set back from the roof edge, and thus does not add significantly to the bulk. The design statement explains its carefully thought-through relationship to the original architectural composition. The proposals are specifically designed to compliment the original architecture, and provide a well proportioned resolution to the building, thus resulting in a balanced architectural composition.

Policy CD45 continues that additional roof storeys will be permitted where the infilling of a roof extension would help re-unite a group of properties compromised by a variety of roof extensions and where the alterations are architecturally sympathetic and would not harm the character of the building.

As set out above, in this case, we consider the alterations to be architecturally sympathetic.

On this basis, we conclude that the architectural alterations are sympathetic the character of the building, and the proposal is fully consistent with Policies CD44 and CD45.

Policy CD46 Roof Terraces

This notes the intention to resist roof terraces if significant overlooking of or disturbance to neighbouring properties or gardens would result, or any accompanying alterations are not satisfactory or would be visually intrusive, or would harm the street scene.

In this case, the extent of the proposed roof terrace has been restricted to prevent overlooking or disturbance, and as set out above, we believe the associated alterations to be a positive addition. Once again, we conclude that the proposed roof terrace is in line with council policy.

Conservation Area Considerations – particularly policies **CD57**, **CD61**, and **CD62**. Again, we believe that the proposals will preserve and enhance the character and appearance of the Norland Square conservation Area, in line with the Council's adopted UDP policies.

Development Standards

- **Daylight/Sunlight** – given the existing bulk and mass of the building, the proposed residential unit at roof level is unlikely to create any significant impacts on the daylight and sunlight of adjacent properties. The properties in closest proximity and therefore most likely to be affected is the mews house to the rear of the building and 52 Norland Square. The submitted plans demonstrate that the existing building the

PP040081

RBKC
17th December 2003


proposed residential unit at roof level is unlikely to create any additional impact on the sunlight and daylight of these adjacent properties, because of their relative dispositions.

- **Amenity Space** – the proposal includes a roof terrace as amenity space for the residential unit. It is proposed this would be located within the south east corner of the property to ensure the privacy of neighbouring properties is maintained. The roof terrace would therefore overlook the square and Holland Park Avenue, and be a considerable distance away from any properties to ensure that privacy would not be impinged upon (and to maintain privacy for users).
- **Size of Unit**- the proposed self-contained residential unit, is in excess of the Council's minimum requirement for unit size as set out within the UDP; this being 80.5m² for a flat with 5 habitable rooms.
- **Car Parking Provision**- the UDP sets out the maximum car parking provision for a purpose built flat with up to five habitable room is one space per dwelling unit. There is an existing garage to the rear of the property, which the applicant owns and proposes to use for his parking requirements.

We therefore consider that the proposed new residential unit is fully consistent with the relevant policies of the UDP and is in keeping with the existing character of the building, enhancing the overall appearance of this significant corner building. The proposal would not cause detriment to neighbouring properties in terms of overlooking or the loss of daylight or sunlight and would in conjunction with the refurbishment proposals preserve the character and appearance of the Norland Square Conservation Area, whilst providing additional residential accommodation.

We trust this information is sufficient for a swift and positive determination, however should you require any further information or would like to arrange a site visit please contact Nick Sharpe or myself.

Yours sincerely



Rachel Allwood
Rolfe Judd Planning

Encs

Cc	Charles Okin	-	Edward Charles
	Richard Inglis	-	Hugh Cullum Architects

1. File Copy.

2. The Owner/Occupier
152 Holland Park Avenue
London
W11

3. The Owner/Occupier
152A Holland Park Avenue
London
W11

4. The Owner/Occupier
152B Holland Park Avenue
London
W11

5. The Owner/Occupier
152C Holland Park Avenue
London
W11

6. The Owner/Occupier
154 Holland Park Avenue
London
W11

7. The Owner/Occupier
Flat 1 51 Norland Square
London
W11

8. The Owner/Occupier
Flat 2 51 Norland Square
London
W11

9. The Owner/Occupier
Flat 3 51 Norland Square
London
W11

10. The Owner/Occupier
Flat 4 51 Norland Square

London
W11

11. The Owner/Occupier

Flat A Basement Flat

51 Norland Square

London

W11

12. The Owner/Occupier

Flat 1 Norland Square Mansions

53 Norland Square

London

W11

13. The Owner/Occupier

Flat 2 Norland Square Mansions

53 Norland Square

London

W11

14. The Owner/Occupier

Flat 3 Norland Square Mansions

53 Norland Square

London

W11

15. Thompson

Flat 4 Norland Square Mansions

53 Norland Square

London

W114PY

16. The Owner/Occupier

Flat 5 Norland Square Mansions

53 Norland Square

London

W11

17. The Owner/Occupier

Flat 6 Norland Square Mansions

53 Norland Square

London

W11

18. The Owner/Occupier

Flat 7 Norland Square Mansions

53 Norland Square

London

W11

19. The Owner/Occupier

Flat 8 Norland Square Mansions

53 Norland Square

London

W11

20. The Owner/Occupier

Flat 9 Norland Square Mansions

53 Norland Square

London

W11

21. The Owner/Occupier

Flat 10 Norland Square Mansions

53 Norland Square

London

W11

22. Springer

Flat 11 Norland Square Mansions

53 Norland Square

London

W11 4PY

23. Robinson

Flat 12 Norland Square Mansions

53 Norland Square

London

W11

24. The Owner/Occupier

Flat 13 Norland Square Mansions

53 Norland Square

London

W11

25. The Owner/Occupier

Flat 14 Norland Square Mansions

53 Norland Square

London

W11

26. Allison

Flat 15 Norland Square Mansions

53 Norland Square

London

W11

27. The Owner/Occupier

Flat 16 Norland Square Mansions

53 Norland Square

London

W11

28. Turmel

Flat 17 Norland Square Mansions

53 Norland Square

London

W11

29. The Owner/Occupier

Flat 18 Norland Square Mansions

53 Norland Square

London

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30. The Owner/Occupier

Flat 19 Norland Square Mansions

53 Norland Square

London

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31. The Owner/Occupier

Flat 20 Norland Square Mansions

53 Norland Square

London

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32. The Owner/Occupier

Flat 21 Norland Square Mansions

53 Norland Square

London

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33. The Owner/Occupier

Flat 22 Norland Square Mansions

53 Norland Square

London

W11

34. The Owner/Occupier

Flat 23 Norland Square Mansions

53 Norland Square

London

W11

35. The Owner/Occupier

Flat 24 Norland Square Mansions

53 Norland Square

London

W11

36. The Owner/Occupier

Flat 25 Norland Square Mansions

53 Norland Square

London

W11

37. The Owner/Occupier

Flat 26 Norland Square Mansions

53 Norland Square

London

W11

38. Wadher

Flat 27 Norland Square Mansions

53 Norland Square

London

W11

39. The Owner/Occupier

Flat 28 Norland Square Mansions

53 Norland Square

London

W11

40. The Owner/Occupier

Flat 29 Norland Square Mansions

53 Norland Square

London

W11

41. The Owner/Occupier

Garage Flat, Norland Square Mansions

53 Norland Square

London

W11

42. Mr Harrington

22 Princes Place

London

W11 4RA

43. Ms Geeta Guru-Murthy

12 St James Street

London

W6 9RW

44. Nicola Hardwick

19 Astor Close

Kingston Hill

Surrey

KT2 7LT

TO: SEE DISTRIBUTION LIST

**FROM: EXECUTIVE DIRECTOR OF
PLANNING & CONSERVATION**

MY REF(S): RAG/PP/04/00081

YOUR REF:

ODPM's Reference: App/K5600/ A/04/1148762

SEE DISTRIBUTION LIST

Associated Reference: //

ROOM NO: 324

EXTN: 2081

DATE: 05/04/2005

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL Norland Square Mansions, 53 Norland Square, London, W11 4PY

I attach for your information a copy of the decision for the appeal on the above-mentioned premises.

EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

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JIM BABBINGTON, CORPORATE SERVICES

COUNCILLOR DANIEL MOYLAN, CABINET MEMBER FOR PLANNING &
TRANSPORTATION

TOWN CLERK & CHIEF EXECUTIVE A.KHAN RM: 253

DIRECTOR OF LAW AND ADMINISTRATION...H. TITCOMBE RM: 230/2

LAW & ADMINISTRATION (ENFORCEMENT).. T.ALI RM: 230/2

LAND CHARGES..... M. IRELAND RM: 306

COUNCIL TAX ACCOUNTS MANAGER..... T. RAWLINSON RM: G29

TRANSPORTATION.....R. CASE RM: 317

EXECUTIVE DIRECTOR OF PLANNING & CONSERVATION

HEAD OF DEVELOPMENT CONTROL

APPEALS OFFICER

NORTH

CENTRAL

SOUTH-EAST

SOUTH-WEST

INFORMATION OFFICE

FORWARD PLANNING..... G. FOSTER

DESIGN. D. McDONALD

STATUTORY REGISTER

FILE(S) _____

SYSTEMS.....C. STAPLETON



Appeal Decision

Inquiry held on 1 February 2005

Site visit made on 2 February 2005

by **Linda Wride** Dip TP MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date:

30 MAR 2005

Appeal Ref: APP/K5600/A/04/1148762

Norland Square Mansions, 53 Norland Square, London W11 4PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Charles Okin against the decision of The Council of The Royal Borough of Kensington & Chelsea.
- The application Ref PP/04/00081/MIND/14, dated 17 December 2003, was refused by notice dated 5 March 2004.
- The development proposed is the creation of a self-contained flat at roof level and refurbishment works to mansion building.

Summary of Decision: The appeal is allowed in part and is dismissed in part, as set out below in the Formal Decision.

Procedural Matters

1. I have used the full postal address of the appeal site as set out on the Council's decision notice, in the interests of clarity.
2. As part of the appeal proposal, the existing tank room, flue and lift safety over-run at roof level on the mansion block would be removed. In addition to the proposed flat and terrace at roof level, the appeal scheme would include a replacement lift over-run and new parapet walls set inside the existing parapet and rising above it by 450mm at the centre and 650mm each side. The "refurbishment works" comprise alterations to the entrance (replacing the lead flashing above the canopy by a rendered panel concealing cables, new lighting and planters); rendering panels behind the balconies fronting Norland Square; repainting panels on the bays and alterations to the shop front on the Holland Park Avenue elevation.

Main Issue

3. I consider the main issue in this appeal to be the effect of the proposed development on the character and appearance of the Norland Conservation Area.

Planning Policy

4. The Development Plan for the area is The Royal Borough of Kensington & Chelsea Unitary Development Plan (UDP), adopted in 2002. I have been referred to various policies in the UDP. Those I consider to be most relevant to this appeal are as follows: Policy CD27 requires a high standard of design which is sensitive to, and compatible with, the surroundings. Policy CD44 resists additional storeys and roof level alterations on groups of buildings having regard to various criteria, while Policy CD45 supports such development provided specific criteria are satisfied. Policy CD46 resists roof terraces where the physical works would be visually intrusive or harm the street scene.

5. Policies CD57 and CD61 broadly reflect the requirements of section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 for special consideration to be given to the desirability of preserving or enhancing the character or appearance of Conservation Areas, while Policy CD69 reflects the statutory duty under section 66 (1) of the Act to have special regard to the desirability of preserving the setting of the listed buildings. Policy CD62 requires development in Conservation Areas to be compatible with surrounding development, having regard to various matters including roofscape.
6. The UDP is supported by the Norland Conservation Area Policy Statement, drawn up by the Council in conjunction with representatives of local residents associations and adopted as Supplementary Planning Guidance (SPG) in 1982. Given the advice in paragraph 5.22 of Planning Policy Statement 12: *Local Development Frameworks*, I consider that substantial weight should be attached to this SPG. The SPG recognises that the sensitivity of rooflines varies according to the setting of the building, the length of views available, whether the roof is pitched or flat, or hidden by a parapet. Where low-pitched and flat roofs are set behind a parapet, the SPG advises that the Council will resist extensions where the surrounding terraces are devoid of modern extensions.
7. I have taken into account the design advice in both Planning Policy Guidance 1 *General Policy and Principles* (PPG 1) and Planning Policy Statement 1 *Delivering Sustainable Development* (PPS 1) published after the Inquiry, together with the advice in Planning Policy Guidance 15 *Planning and the Historic Environment* (PPG 15) in respect of Conservation Areas and the setting of listed buildings, as well as that in Planning Policy Guidance 3 *Housing* (PPG 3) concerning designing for quality.

Reasons

8. The appeal site lies within the Norland Conservation Area, originally designated in 1969, and it adjoins the northern boundary of the Holland Park Conservation Area. The Norland estate was designed as housing development by Robert Cantwell, an architect appointed by William Kingdom, who purchased the estate in 1838. Although there are pockets of commercial activity, the area is predominantly residential in character.
9. The Conservation Area Policy Statement identifies Norland Square as one of the estate's "grand compositions". Laid out from 1837 onwards, the grade II listed Victorian terraces form a balanced, formal composition set around three sides of a pleasant central garden. The listed terraces have a high degree of architectural unity in terms of materials, height and design. Features of particular note include the continuous balcony above ground floor level, the "attic" or third floor level, defined by a strong projecting cornice below and a secondary cornice above, and the continuous parapet which screens the shallow-pitched slate roofs behind and generally defines the roofline in views from street level. The listed terraces have largely retained their architectural integrity, with few external changes to the façades, and very limited alterations and extensions above parapet level. Drawing NM001.P01.17 is incorrect in this regard, as acknowledged by the appellant.
10. The appeal building is a five storey mansion block, designed by Arthur Ash and constructed in the 1930s. It fronts the south-west corner of the square and has a return frontage to Holland Park Avenue. The mansion block does not replicate the architecture of the listed terraces in Norland Square. Nevertheless, the three main bays with their paired, vertical groupings of windows and balconies give the facade a balanced, ordered appearance in

keeping with the general visual character of the square. Although the mansion block is predominantly brick clad, rendered bands at ground and top floor level visually echo the clearly defined ground floor and “attic” storeys of the adjacent listed buildings. While the appeal building is taller than others in the square, its long, unbroken parapet at roof level reflects the continuous roofline of the neighbouring terraces. In my opinion, the use of similar cladding material on the top floors combined with unbroken parapets on both the appeal premises and the adjacent terraces, reduces the evident difference in height between the buildings. For these reasons, I consider that the mansion block relates harmoniously to its listed neighbours, and does not appear as a discordant feature in the street scene, notwithstanding the height differential and the physical gap between the buildings. In my opinion, they constitute a “group of buildings” having regard to Policies CD44 and CD45.

11. Although the roofline of the mansion block is interrupted by a tank room, flue and lift safety over-run, these are small features relative to the overall built frontage. Due to their size and set back from the façade, they do not intrude into the skyline or disrupt the overall impression of a generally consistent roofline along the west side of the square, to any significant degree. Whilst it would be only a little taller than the tank room, the footprint of the proposed flat would be significantly larger than the combined floor area of the elements to be removed. The proposed structure would be located much closer to the Norland Square façade than those it would replace, and the overhanging curved roof and projecting trellis would bring the built envelope even closer to the parapet. This element of the appeal proposal would therefore result in a significant increase in bulk at roof level, effectively adding an additional storey to the mansion block which, in my judgement, would be far more prominent than the existing isolated structures proposed for removal.
12. The projecting cornice would screen the proposed flat in close views from ground level. However, there is no dispute that it would be seen over a wider area in longer views from within the square from Norland Place and certain points in Queensdale Road, Addison Avenue and Holland Park. It would also be visible along a considerable stretch of Holland Park Avenue, including more extensive views than set out in the statement of common ground, as noted and agreed on site.
13. Although when in leaf, trees within the square and along Holland Park Avenue would filter views of the proposed flat, as the height and density of screening varies considerably as one moves around the square and along the road, it would still be visible through the foliage and between trees. I think it likely that outdoor activity on the terrace in fine weather during the summer would attract attention to the roof of the mansion block, and that the eye would be drawn to features not unusually associated with a roofscape, including the proposed planting on the trellis and domestic paraphernalia on the roof terrace, such as sunshades. This would conflict with Policy CD46 (b). I am not convinced that the Council’s suggested planning condition to address this concern would satisfy the requirements in Circular 11/95, having regard to the tests of precision and enforceability, and bearing in mind that such items do not constitute development for planning purposes.
14. I observed that when the trees have lost their leaves, the bare branches do not provide a particularly effective screen, even where canopies are at their most dense. As daylight fades early at these times of the year, internal artificial illumination would increase the prominence of the rooftop flat at twilight and in the hours of darkness, drawing the attention to its presence above the attic floor level of terraces in the square. In an area typified by

long continuous parapets, the varied height of the proposed new parapet wall on the mansion block roof adds weight to my concern. The way in which this would emphasise the side bays rather than the more visually important central bay, reinforces my view.

15. On the basis of this evidence, I am satisfied that the appeal proposal would conflict with Policy CD44 in several respects. In particular, it would involve roof level alterations and effectively add an additional storey to a building which is higher than surrounding neighbours (criterion d), and which forms part of a group of buildings where the existing roofline is unimpaired by extensions (criterion a). While noting the appellant's views, I do not consider these criteria to be mutually exclusive. In addition, as the appeal building is exposed to long views from public places, the proposed flat and other roof level alterations would conflict with criterion (e) of that policy, and well as the Council's SPG, which discourages roof extensions on flat roofs set behind a parapet.
16. PPG 15 advises that where a listed building forms an important visual element of a street as in this case, it would probably be right to regard any development within the street as being within the setting of the listed building. Bearing in mind that the setting of a listed building often owes its character to the harmony produced by a particular group of buildings (not necessarily all of great individual merit), in my judgement, the effect of the proposal on the generally consistent roofline along the west side of Norland Square and the detriment to the harmony of the group as a whole, would neither preserve nor enhance the setting the adjacent listed terraces. This would conflict with the objective of Policy CD69.
17. The proposed flat would pick up art deco design cues and use a palette of materials from the host building. Its symmetrical design and location centred above the entrance bay would create a balanced composition which, in my view, would be sympathetic to the architecture of the building. In these respects, I consider that the proposal would accord with criterion (b) of Policy CD45. However, as there are very few roof extensions on the group of buildings of which it forms a part, the proposed roof level flat would not constitute "infilling", as agreed by the appellant's planning witness in cross examination. In these circumstances, the positive support lent by criterion (a) of that policy would not apply.
18. The removal of redundant tank rooms and ancillary accommodation at roof level would de-clutter the skyline in Norland Square. The changes proposed to the entrance, the rendering of the panels behind the balconies on the Norland Square elevation, and the alterations to the Holland Park Avenue elevation would emphasise the verticality and classical proportions of the mansion block and improve its appearance, in my opinion. These particular elements of the appeal scheme would therefore accord with Policies CD27, CD57 and CD61. As the replacement lift over-run would be constructed as part of the flat, it could not be considered in isolation from the roof level extension. However, the remaining refurbishment proposals could be undertaken independently from the works at roof level. In consequence, I see no reason to withhold permission for these elements of the appeal proposal, particularly as proceeds from the sale of the proposed flat are not the only way to finance the refurbishment of the mansion block now there is a sinking fund.
19. However, although I consider that the proposed refurbishment works would improve the appearance of the mansion block, in my judgement, the visual benefit of these primarily cosmetic changes would not be sufficient to outweigh the harm I have identified.

20. Taking all these factors into account, I consider that the addition of the roof level flat and associated alterations would unacceptably compromise the generally consistent roofline along the west side of Norland Square, to the detriment of the harmony of the group of buildings as a whole and the setting of the adjacent listed buildings. Although the accommodation provided in the appeal scheme would reinforce the residential character of the area, I conclude that the proposed flat, lift over-run and new parapet walls would harm the visual character and the appearance of the Norland Conservation Area. In these respects, the proposal would conflict with Policies CD27, CD44, CD45, CD46, CD57, CD61, CD62 and CD69 of the adopted UDP, the supporting SPG, and national policy guidance on conservation areas and the setting of listed buildings.
21. In reaching my conclusion, I have had regard to the planning history of the appeal site, including the permission (Application Ref. TP/7201) for a penthouse flat on the roof of the appeal building granted in 1974, when there was a climate of concern about compensation for Schedule 8 works. However, that permission was not implemented and has long since lapsed, adopted policies have been updated and refined since then, and I have reached a different conclusion in respect of a similar development based on my observations on the site and the evidence before me. I have also had regard to the unsuccessful appeal (Ref. T/APP/5021/A/80/8372/02 dated 16 January 1981) against the refusal of permission for a mansard roof to provide a new dwelling and extend an existing dwelling at the mansion block. While the proposal in that appeal differs from the scheme before me, the Inspector's views that the appeal premises and the listed terraces form a harmonious group of buildings and his acknowledgement of the generally consistent roofline on the western side of the square, reflect my own assessment.
22. I have borne in mind that the mansion block provides a "corner marker" for the square in views along Holland Park Road. However, in my opinion, it performs this urban design function successfully without the need for an additional storey. I have also had regard to the other buildings at the corners of the square which are different to the main terraces (as was the predecessor of the existing mansion block), and taken into account that Ash's original design for Norland Square Mansions was taller than that eventually permitted. However, in my judgement, these considerations are not sufficient to outweigh the strong presumption against granting planning permission where development would conflict with the aim of preserving or enhancing the character or appearance of the Conservation Area.

Other matters

23. Providing a flat in this location would be consistent with Government's advice and local policies in respect of using land for housing efficiently. However, PPG 3 emphasises that this should be achieved without compromising the quality of the environment. Although the proposal was amended in the light of pre-submission discussions with representatives of local groups and a ward councillor, this does not address my concern about the effect of the roof level development on the character and appearance of the area, notwithstanding the lack of objection from these groups and ward councillor support.
24. While the external lift over-run requires permission, the replacement of the art deco lift internally falls outside planning control. The alterations to the Norland Square entrance would not affect the existing shrubbery on the frontage, as feared by the occupier of one of the ground floor flats. While noting other concerns that the roof extension would reduce light reaching the light well serving bathrooms on lower levels, as it would be located to the

north and east of the voids, I doubt whether there would be a significant reduction in natural light. Since the affected rooms are non-habitable, I do not consider that living conditions of occupiers would be unduly harmed, were I minded to permit the proposal in its entirety. While building work inevitably causes a degree of disruption while in progress, this in itself is not sufficient reason to withhold permission for an otherwise acceptable development.

Conditions

25. Turning now to the Council's suggested conditions relevant to the refurbishment works, I agree that details of the planters, external lighting and the new canopy on the Holland Park Avenue elevation should be subject to the Council's approval in the interests of the appearance of the area, as should samples of the proposed rendering. I have combined these into one condition for conciseness, substituted "local planning authority" for the job title specified to avoid confusion in the event of future changes, and replaced "maintain" by "retain" in the light of the advice in Circular 11/95, paragraph 82.

Conclusions

26. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed in part and dismissed in part.

Formal Decision

27. I dismiss the appeal insofar as it relates to the creation of a self-contained flat and associated roof terrace at roof level, replacement lift over-run and new parapet walls. I allow the appeal insofar as it relates to the alterations to the facades and shop front, and I grant planning permission for the alterations to the entrance (replacing the lead flashing above the canopy by a rendered panel concealing cables, new lighting and planters); the rendering of panels behind the balconies fronting Norland Square; the repainting of panels on the bays and the alterations to the shop front on the Holland Park Avenue elevation at Norland Square Mansions, 53 Norland Square, London W11 4PY, in accordance with the terms of the application, Ref PP/04/00081/MIND/14, dated 17 December 2003, and the plans submitted therewith, so far as relevant to that part of the development hereby permitted, and subject to the following conditions: .

- 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
- 2) Prior to the relevant part of the work commencing, full details of the following shall be submitted to, and approved in writing by, the local planning authority and the approved details shall be implemented and retained thereafter:
 - (i) Any proposed fixed new planters and details of external lighting to the eastern and southern façades.
 - (ii) Details of the proposed new canopy to the Holland Park Avenue elevation at a scale of 1:50.
 - (iii) A sample of the proposed rendering.

Linda Wink

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Morgan of Counsel	Instructed by Gifty Edila, Director of Law and Administration, The Royal Borough of Kensington and Chelsea
He called	
Jonathan Wade BSc (Hons) MA MA MRTPI CIM	Policy Team, Forward Planning, The Royal Borough of Kensington and Chelsea
Kate Orme BA (Hons) MSc IHBC	Senior Conservation and Design Officer, The Royal Borough of Kensington and Chelsea

FOR THE APPELLANT:

Joanna Clayton of Counsel	Instructed by Montagu Evans, Chartered Surveyors, Premier House, 44-48 Dover Street, London W1S 4AZ
She called	
Nick Sharpe BA (Hons) MCD MRTPI	Partner, Montagu Evans, Chartered Surveyors, Premier House, 44-48 Dover Street, London W1S 4AZ
Charles Pound BSc (Hons) MSc Arch Dip TP RIBA MRTPI IHBC	11 Manvers Street, Bath BA1 1JQ

INTERESTED PERSONS:

Mrs M Puig	6 Norland Square Mansions, 53 Norland Square, London W11 4PY
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DOCUMENTS

Document 1	List of persons present at the Inquiry.
Document 2	Council's letters of notification of the Inquiry and list of people notified.
Document 3	Objections submitted in response to the notification.
Document 4	Appendices 1-14 to Mr Wade's evidence
Document 5	Appendices 1-6 to Ms Orme's evidence.
Document 6	Appendix 1 to Mr Sharpe's evidence.
Document 7	Appendices A-B to Mr Pound's evidence.
Document 8	Statement of Common Ground dated 23 December 2004.
Document 9	Core Documents 1-18, submitted with the Statement of Common Ground.
Document 10	Revised suggested conditions, tabled at the Inquiry.
Document 11	Agreed measurements of appeal building (existing and proposed) and adjacent listed terraces.

PLANS

Plan A1-A17	Plans submitted with Application Ref. PP/04/00081/MIND/14.
Plan B1	Plan NM001.P01.11 with footprint of 1974 permission superimposed in red, tabled at the Inquiry by the appellant.

TO: SEE DISTRIBUTION LIST

**FROM: EXECUTIVE DIRECTOR OF
PLANNING & CONSERVATION**

MY REF(S): RAG/PP/04/00081
ODPM's Reference: App/K5600/ A/04/1148762
Associated Reference: //
ROOM NO: 324

YOUR REF:
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EXTN: 2081

DATE: 05/04/2005

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL Norland Square Mansions, 53 Norland Square, London, W11 4PY

I attach for your information a copy of the decision for the appeal on the above-mentioned premises.

EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

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COUNCILLOR RIMA HORTON
JIM BABBINGTON, CORPORATE SERVICES
COUNCILLOR DANIEL MOYLAN, CABINET MEMBER FOR PLANNING &
TRANSPORTATION
TOWN CLERK & CHIEF EXECUTIVE A.KHAN RM: 253
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LAND CHARGES..... M. IRELAND RM: 306
COUNCIL TAX ACCOUNTS MANAGER..... T. RAWLINSON RM: G29
TRANSPORTATION.....R. CASE RM: 317
EXECUTIVE DIRECTOR OF PLANNING & CONSERVATION
HEAD OF DEVELOPMENT CONTROL
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DESIGN. D. McDONALD
STATUTORY REGISTER
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SYSTEMS.....C. STAPLETON



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GTN 1371-8715

Mrs R Townley
Kensington And Chelsea R B C
Planning Services Department
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: PP/04/00081/MIND/14
Our Ref: APP/K5600/A/04/1148762
Date: 30 March 2005

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR C OKIN
SITE AT NORLAND SQUARE MANSIONS, 53 NORLAND SQ, LONDON, W11 4PY

I enclose a copy of our Inspector's decision on the above appeal.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252
Fax No. 0117 372 8139
E-mail: Complaints@pins.gsi.gov.uk

Yours faithfully

A Bailey
AD

Mrs Annette Dixon

COVERDL1

Handwritten: C-79

EX	HDC	TP	CAC	AD	CLU	AO
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HBS			ARB	FPLN	DES	FEES



The Planning Inspectorate

JW

3/07 Kite Wing
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Mrs R Townley (Dept Of Planning & Conservation)
Kensington And Chelsea R B C
Planning Services Department
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: PP/04/00081/MIND/14

Our Ref: APP/K5600/A/04/1148762

Date: 7 December 2004

EX DIR	HDC	TP	C-3	AD	CLU	AO AK
R.B.		8 DEC 2004		PLANNING		
K.C.						
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990

APPEAL BY MR C OKIN

SITE AT NORLAND SQUARE MANSIONS, 53 NORLAND SQ, LONDON, W11 4PY

Here is a copy of the site notice giving the inquiry details. The inquiry is scheduled to last 1 day. Please let me know within 5 working days, if you think more time is needed.

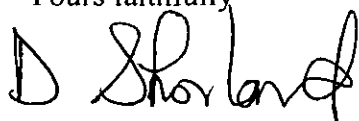
Please tell the owners and occupiers of property near the site of the inquiry details immediately. You should also tell others you consider to be affected by or interested in the proposed development, including any persons or bodies who made representations at application stage. Your letter should cover:

- the location of the site and a description of the appeal proposals;
- a clear statement of the date, time and place of the inquiry and of the powers enabling the Inspector, or the Secretary of State, to determine the appeal;
- where your and the appellant's statements, proofs of evidence, summaries and statement of common ground can be seen;
- that they can go to the inquiry. If they wish to speak they must be there when it opens;
- what facilities are available for people with disabilities e.g. parking spaces, access and seating arrangements;
- that we will send a copy of the Inspector's decision to those who ask for one in writing.

The press should be informed of inquiries.

We aim to issue decision letters within 7 weeks of the close of a one or two day inquiry. If there is likely to be a significant delay, we will let you know.

Yours faithfully

A handwritten signature in black ink, appearing to read "D Shorland". The signature is fluid and cursive, with a large initial "D" and a stylized "Shorland".

Mr Dave Shorland

311(BPR)

TOWN AND COUNTRY PLANNING ACT 1990

PUBLIC INQUIRY

At

The Town Hall, Hornton Street, Kensington,

On Tuesday, 1 February 2005 at 10:00

REASON FOR INQUIRY

Appeal by Mr C Okin

Relating to the application to Kensington and Chelsea R B C for the creation of a self contained flat at roof level & refurbishment works to mansion building.

AT Norland Square Mansions, 53 Norland Sq, London

An Inspector appointed by the First Secretary of State under paragraph 1(1) of schedule 6 to the Town and Country Planning Act 1990 will attend at the place, date and time shown above to decide the appeal.

Members of the public may attend the inquiry and, at the Inspector's discretion, express their views. If you, or anyone you know has a disability and is concerned about facilities at the inquiry venue, you should contact the council to confirm that suitable provisions are in place. Documents relating to the appeal(s) can be viewed at the Council's offices by prior arrangements.

Planning Inspectorate Reference: APP/K5600/A/04/1148762

Contact point at the Planning Inspectorate: Mr Dave Shorland, 3/07 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN Tel: 0117-3728930.

320(BPR)

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